

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIE EUGENE WEAVER,

Plaintiff,

vs.

WARDEN, et al.,

Defendant(s).

No. C 08-00165 JW (PR)

ORDER DENYING MOTION FOR  
EXTENSION OF TIME; DENYING  
MOTION FOR LEAVE TO  
PROCEED *IN FORMA PAUPERIS*


(Docket Nos. 4 & 5)

Plaintiff, a state prisoner, filed a pro se civil rights complaint pursuant to 42 U.S.C. § 1983. Plaintiff did not pay the full filing fee or apply for leave to proceed in forma pauperis, so on January 11, 2008, this Court's clerk sent him a notice that he must either pay the full filing fee or file an in forma pauperis application within thirty days or the case would be dismissed. Plaintiff failed to comply with the deadline, and the case was dismissed without prejudice on February 29, 2008.

After judgment was entered, plaintiff filed a motion for an extension of time to file an in forma pauperis application (Docket No. 4), followed by a motion for leave to proceed in forma pauperis (Docket No. 5). Plaintiff has set forth no justification for his failure to meet the Court's deadline or why this Court should consider reopening this action. The motions are DENIED.

This order terminates Docket Nos. 4 and 5.

DATED: April 7, 2008

  
JAMES WARE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

WILLIE WEAVER,  
Plaintiff,

Case Number: CV08-00165 JW

**CERTIFICATE OF SERVICE**

v.

WARDEN, et al.,  
Defendants.

\_\_\_\_\_/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 4/10/2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Willie Eugene Weaver J-91389  
Pelican Bay State Prison  
5905 Lake Earl Drive  
P. O. Box 7000  
Crescent City, Ca 95531-7000

Dated: 4/10/2008

Richard W. Wieking, Clerk  
/s/ By: Elizabeth Garcia, Deputy Clerk